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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,725	09/29/2003	Sanjeev Nath	NATH-101	1921

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EXAMINER	
WEST, LEWIS G	
ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/673,725	NATH ET AL.	
	Examiner	Art Unit	
	Lewis G. West	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *34-39* is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2 pages*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-9, 11-12, 15-16, 18, 21-22, 24-25, 27 and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Parvulescu (US 6,687,497).

Regarding claim 1, Parvulescu discloses a method for preventing handheld wireless communication in a vehicle by an operator of said vehicle, said method comprising the steps of: determining whether the velocity of the vehicle exceeds zero velocity (in any direction); and restricting the operator's use of a handheld wireless communication device if the velocity of the vehicle is greater than zero unless a pre-defined exceptional condition exists. (Col. 4 lines 9-43)

Regarding claim 2, Parvulescu discloses the method according to claim 1, wherein the handheld wireless communication device is selected from the group consisting of: a cellular phone; a PDA; and a mobile personal computer. (Col. 3 lines 16-18)

Regarding claim 3, Parvulescu discloses the method according to claim 1, wherein the vehicle is selected from the group consisting of: an automobile, a truck, a bus, train, tractor, crane, a 2- or 3-wheel conveyance, a motorcycle, or a floating device such as boat or ship or an airplane. (Col. 3 lines 55-60)

Regarding claim 4, Parvulescu discloses the method according to claim 1, wherein said step of determining the velocity of the vehicle includes sensing through wireless means. (Col. 4 lines 9-17)

Regarding claim 6, Parvulescu discloses the method according to claim 1, wherein the pre-defined exception condition includes use of the handheld wireless communication device for emergency purposes. (Col. 3 lines 1-15)

Regarding claim 7, Parvulescu discloses the method according to claim 6, wherein the emergency purpose is defined as a list of emergency designations. (Col. 3 lines 30-50)

Regarding claim 8, Parvulescu discloses the method according to claim 7, wherein an emergency designation includes an emergency telephone number. (Col. 3 lines 30-50)

Regarding claim 9, Parvulescu discloses the method according to claim 8, wherein the emergency telephone numbers are pre-stored in one of: a control system installed in the moving vehicle and configured to restrict the use of the handheld wireless communication device when a safety hazard exists; and the handheld wireless communication device. (Col. 3 lines 30-50)

Regarding claim 11, Parvulescu discloses the method according to claim 1, wherein the use of the handheld wireless communication device includes at least one of: receiving incoming communication information; and transmitting outgoing communication information. (Col. 2 line 59-col. 3 line 15)

Regarding claim 12, Parvulescu discloses the method according to claim 11, wherein the communication information includes at least one of: voice, data, and messages. (Col. 2 line 59-col. 3 line 15)

Regarding claim 15, Parvulescu discloses a method for prevention of use by the operator of a moving vehicle a handheld wireless communication device, said method comprising the steps of: receiving by the handheld wireless communication device, when it is turned on, a control signal for restricting the use of the handheld wireless communication device; restricting the operation of the handheld wireless communication device in accordance with the control signal. (Col. 4 lines 9-43)

Regarding claim 16, Parvulescu discloses the method according to claim 15, wherein said receiving includes receiving through at least one of a wireless communication means and a wired means. (Col. 4 lines 9-43)

Regarding claim 18, Parvulescu discloses the method according to claim 15, wherein the control signal is transmitted when use of the handheld wireless communication device by the operator of the vehicle is considered a potential safety hazard. (Col. 4 lines 9-43)

Regarding claim 21, Parvulescu discloses the method according to claim 15, wherein the handheld wireless communication device is selected from the group consisting of: a cellular phone, a PDA, and a mobile personal computer. (Col. 3 lines 16-18)

Regarding claim 22, Parvulescu discloses the method according to claim 20, wherein the step of sending the sensed state of the handheld wireless communication device is through a wireless means. (Col. 4 lines 9-14)

Regarding claim 24, Parvulescu discloses the method according to claim 15, wherein said step of restricting the operation of the handheld wireless communication device in accordance the control signal is not performed if a pre-defined exception condition exists. (Col. 3 lines 30-50)

Regarding claim 25, Parvulescu discloses the method according to claim 24, wherein a pre-defined exception condition is selected from the group consisting of: using the handheld wireless communication device for emergency purposes, and using the handheld wireless communication device in association with a hands-free device. (Col. 3 lines 30-50)

Regarding claim 27, Parvulescu discloses a control system in a vehicle, comprising: a sensing means for detecting a velocity of the vehicle; a control signal generating means for generating when a velocity of the vehicle is detected, said control signal restricting the use of the handheld wireless communication device by the operator of the moving vehicle; a transmitting means for transmitting the control signal to the handheld wireless communication device in an area within the vehicle where the operator of the vehicle and the handheld wireless communication device is located without effecting the use of handheld wireless communication devices at other locations in the vehicle. (Col. 4 lines 9-43)

Regarding claim 29, Parvulescu discloses the system according to claim 27, wherein the vehicle is selected from the group consisting of: an automobile, a truck, a bus, a train, a tractor, a crane, a 2- or 3-wheel conveyance, or a floating device such as a boat or ship or an airplane. (Col. 3 lines 8-10)

Regarding claim 30, Parvulescu discloses the system according to claim 27, wherein the sensing means detects a velocity of the vehicle when a park mode of the vehicle is not selected (Col. 5 line 5-29) and/or when a neutral mode of the vehicle is selected with brakes not fully engaged. (Col. 4 line 44-Col. 5 line 4)

Regarding claim 31, Parvulescu discloses the system according to claim 27, wherein the control signal restricting the use of the handheld wireless communication device by the operator

of the moving vehicle does not restrict use of the handheld wireless communication device when the handheld wireless communication device is operationally-associated with a hands-free device, or the handheld wireless communication device is being used to respond to an emergency. (Col. 3 lines 30-50)

Regarding claim 32, the system according to claim 27, wherein the control system in the vehicle is implemented as part of the computer control system of the vehicle. (Col. 2 lines 59-66)

Claims 1, 10, 13-15, 18-22 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Chua et al (US 6,690,956).

Regarding claim 1, Chua discloses a method for preventing handheld wireless communication in a vehicle by an operator of said vehicle (Col. 5 lines 16-30), said method comprising the steps of: determining whether the velocity of the vehicle exceeds zero velocity (in any direction)(Col. 5 lines 52-62); and restricting the operator's use of a handheld wireless communication device if the velocity of the vehicle is greater than zero unless a pre-defined exceptional condition exists. (Col. 6 lines 14-27)

Regarding claim 10, Chua discloses the method according to claim 1, wherein the step of restricting the operator's use of a handheld wireless communication device comprises: sending a control signal to where the operator of the moving vehicle as well as the handheld wireless communication device are located; intercepting the control signal by the handheld wireless communication device; and terminating the operation of the handheld wireless communication device by the handheld wireless communication device. (Col. 5 lines 16-30)

Regarding claim 13, Chua discloses the method according to claim 10, wherein the steps of terminating the handheld wireless communication device by the handheld wireless communication device the operation comprises: informing the operator of the moving vehicle that the operation of the handheld wireless communication device is to be automatically terminated after a pre-determined period of time; and ending the operation of the handheld wireless communication device after the pre-determined period of time. (Col. 7 lines 19-25) Since the process is automated there is inherently a predetermined time between the warning and ending the operation.

Regarding claim 14, Chua discloses the method according to claim 13, further comprising sending, when there is incoming communication information arriving at the handheld wireless communication device, an outgoing message to the source of the incoming information indicating that the operator of the moving vehicle, the intended receiver of the incoming information, is not able to respond to the incoming information. (Col. 5 lines 26-30)

Regarding claim 15, Chua discloses a method for prevention of use by the operator of a moving vehicle a handheld wireless communication device, said method comprising the steps of: receiving by the handheld wireless communication device, when it is turned on, a control signal for restricting the use of the handheld wireless communication device; restricting the operation of the handheld wireless communication device in accordance with the control signal. (Col. 5 lines 16-30; Col. 6 lines 14-27)

Regarding claim 18, Chua discloses the method according to claim 15, wherein the control signal is transmitted when use of the handheld wireless communication device by the operator of the vehicle is considered a potential safety hazard. (Col. 6 lines 14-27)

Regarding claim 19, Chua discloses the method according to claim 18, wherein the potential safety hazard is present when the current operating environment satisfies: the handheld wireless communication device is turned on in the moving vehicle in a position in the vehicle associated with the operator of the vehicle and the detected velocity of the moving vehicle exceeds zero; and the handheld wireless communication device is not attached to a hands-free communication device. (Col. 6 lines 14-27)

Regarding claim 20, Chua discloses the method according to claim 15, further comprising the steps of: sensing whether the handheld wireless communication device is attached to a hands-free device; sending the sensed state of the handheld wireless communication device to a control mechanism that generates the control signal. (Col. 6 lines 14-37)

Regarding claim 21, Chua discloses the method according to claim 15, wherein the handheld wireless communication device is selected from the group consisting of: a cellular phone, a PDA, and a mobile personal computer. (Col. 5 lines 16-30)

Regarding claim 22, the method according to claim 20, wherein the step of sending the sensed state of the handheld wireless communication device is through a wireless means. (Col. 8 lines 48-60)

Regarding claim 26, Chua discloses the method according to claim 15, wherein the step of restricting the operation of the handheld wireless communication device further comprises: informing the operator of the moving vehicle that operation of the handheld wireless communication device is to be automatically terminated after a pre-determined period of time; and ending the operation of the handheld wireless communication device after the pre-

determined period of time. (Col. 7 lines 19-25) Since the process is automated there is inherently a predetermined time between the warning and ending the operation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parvulescu in view of Winkler.

Regarding claim 5, Parvulescu discloses the method according to claim 4, but does not expressly discloses using infrared and Bluetooth as the short-range wireless means. Winkler discloses a short-range communication device disabling system wherein said wireless means includes Bluetooth and infrared means. (0055-0056) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use infrared and Bluetooth, Bluetooth being a widely accepted standard for short range RF that uses 2.4 GHz and therefore falling within unlicensed communication band and Infrared being low power and causes little interference and less health considerations than RF. (Winkler 0056)

Regarding claim 17, Parvulescu discloses the method according to claim 16, but does not expressly discloses using infrared and Bluetooth as the short-range wireless means. Winkler discloses a short-range communication device disabling system wherein said wireless means includes Bluetooth and infrared means. (0055-0056) Therefore it would have been obvious to

one of ordinary skill in the art at the time of the invention to use infrared and Bluetooth, Bluetooth being a widely accepted standard for short range RF that uses 2.4 GHz and therefore falling within unlicensed communication band and Infrared being low power and causes little interference and less health considerations than RF. (Winkler 0056)

Regarding claim 28, discloses the system according to claim 27, but does not expressly discloses using infrared and Bluetooth as the short-range wireless means. Winkler discloses a short-range communication device disabling system wherein said wireless means includes Bluetooth and infrared means. (0055-0056) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use infrared and Bluetooth, Bluetooth being a widely accepted standard for short range RF that uses 2.4 GHz and therefore falling within unlicensed communication band and Infrared being low power and causes little interference and less health considerations than RF. (Winkler 0056)

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chua in view of Winkler.

Regarding claim 23, Chua discloses the method according to claim 22 but does not expressly discloses using infrared and Bluetooth as the short-range wireless means. Winkler discloses a short-range communication device disabling system wherein said wireless means includes Bluetooth and infrared means. (0055-0056) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use infrared and Bluetooth, Bluetooth being a widely accepted standard for short range RF that uses 2.4 GHz and therefore

falling within unlicensed communication band and Infrared being low power and causes little interference and less health considerations than RF. (Winkler 0056)

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parvulescu in view of Trauner (US 2002/0070852).

Regarding claim 33, Parvulescu discloses the system according to claim 32, but does not expressly disclose a stand-alone system. Trauner discloses a system wherein the control system in the vehicle is implemented as a stand-alone device which is installed within the vehicle and communicates with the computer control system of the vehicle. (000017) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a stand-alone system to allow the system to be installed in existing vehicles and increase the number of cars on the road able to use the system.

Allowable Subject Matter

Claims 34-39 are allowable.

Regarding claim 34, the prior discloses methods for a service provider providing wireless communication services to a user on a handheld wireless communication device, comprising the steps of: forwarding communication signals from and to the handheld wireless communication device; receiving information sent from the handheld wireless communication device, and restricting a handheld device based on vehicle conditions such as whether the car is moving or braking and if the driver's hands are in a safe position as well as hazardous road conditions such as weather and traffic. It is also known that a user may override such restrictions, especially for emergency communications. What the prior art does not disclose is receiving information from

the wireless communication device that indicates a length of time the user overrides the restriction while driving and using this information to penalize the user. When incorporating all the limitations, none of the prior art discloses the features as claimed.

Claims 35-39 depend directly or indirectly form base claim 34. When incorporating all the limitations of the base claim and any intervening claims, none of the prior art discloses the features as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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